IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.291 OF 2006
IN
SUIT NO.2656 OF 1993

Dr.Mrs.Lalita Theresa
Sequira (deceased) ..Plaintiffs.

Vs.

Dr.Mrs.Cynthia Deshmukh
& Anr. ..Defendants.

And

Dr.Anthony J.F. Sequeira
& Ors. ..Applicants.

Mr.Jokim Reis i/b.Mr.J.E.Rodrigues for the Plaintiffs.

Mr.Clive D'Souza i/b.M/s.Lokhandwalla & Co. for the Defendant No.3.

Mr.N.J.D'Monte for the Applicants.

CORAM : A.M. KHANWILKAR, J.
DATED : 21ST JUNE, 2007

P.C. :

Heard counsel for the parties. Perused the relevant papers.

2. Although this Chamber Summons is opposed by the Defendant No.2, after considering all the aspects of the matter, I am inclined to show indulgence to the Applicants as the case has been inaction which

cannot be said to be intentional or mala-fide. The delay is caused on account of the mistake of the Advocate, the litigant should not suffer for the mistake of the Advocate. Besides, the delay is only of 16 days.

3. In the interest of justice, therefore, the Chamber Summons is made absolute in terms of prayer clauses (a) and (b).